



timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72, Advisory Committee Note).

Defendants’ failure to make timely object to the M&R is accepted as an agreement with the conclusions of the M&R. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). Furthermore, Plaintiffs’ representation that Defendants did not oppose their motion for leave to amend supports the conclusion that Defendants are in agreement with the M&R as Plaintiffs’ amendment to their complaint renders moot Defendants’ Motion to Dismiss in part. (See Doc. 29 at 2; Doc. 31). Accordingly, no objection to the M&R having been filed, and the time for doing so having expired, the parties have waived their right to *de novo* review of any issue discussed in the M&R.

After a careful review of the record, the Court finds that the M&R is supported by the record and is consistent with and supported by law. Finding no clear error, the Court **ADOPTS** the recommendation in the M&R. (See Doc. 30). Because the Plaintiffs’ Amended Complaint (Doc. 31) supersedes the Plaintiffs’ initial complaint (Doc. 1) and does not contain the count of which Defendants sought dismissal (*Compare* Doc. 1 at 19-21, *with* Doc. 31 at 18-22; *see also* Doc. 19 at 1), Defendants’ Motion to Dismiss in Part (Doc. 19) is **DENIED AS MOOT**.

**SO ORDERED.**

Signed: February 22, 2017



Richard L. Voorhees  
United States District Judge

